

Exhibit ARC-A

From: [Beynon, Rebecca A.](#)
To: ["Dan Drosman"](#); [Darren Robbins](#); [Dowd, Michael](#); [Debra Wyman](#); [Jessica Shinnfield](#); [Ashley Price](#); [Jennifer Caringal](#); [Angel Lau](#); [Sam Rudman](#); [Robert Rothman](#); [Blair Nicholas](#); [Jonathan Uslaner](#); [David Kaplan](#); [Mark Lebovitch](#); [Lawrence M. Rolnick](#); [Marc B. Kramer](#); [Thomas E. Redburn Jr.](#); [Michael J. Hampson](#); [Robert Harwood](#); [Samuel Rosen](#); [Benjamin Sachs-Michaels](#)
Cc: [Figel, Reid M.](#); [Goldsmith, Andrew E.](#); [Oppenheimer, Bradley E.](#); [Fording, Grace A.](#)
Subject: RE: Plaintiffs' RFPs to AR Capital defendants
Date: Monday, October 10, 2016 4:52:54 PM
Attachments: [2016 10 10 ARC DEFENDANTS SEARCH TERMS - CONFIDENTIAL.XLSX](#)

Dear Dan:

Thank you for your e-mail. It is our current understanding that, in connection with ARCP's transition to self-management on January 8, 2014, AR Capital and/or ARC Advisors transferred copies of the historical email archives of ARCP employees to ARCP. As a result, we believe that ARCP is most appropriately positioned to produce emails of ARCP employees, including those of Mr. Kay and Mss. Beeson and McAlister, and it would be unreasonable and unduly burdensome to require AR Capital and ARC Advisors to undertake a duplicative production of these individuals' emails or that of any other ARCP employee. We reserve all rights in this regard.

With regard to your question about employees' titles and reporting structures, based on the allegations in the complaints, we believe that most of the proposed custodians are individuals with whom you should already be familiar. However, as a professional courtesy we provide the information below, which reflects titles/functions held by these employees for at least part of the class period.

Brian Block: CFO of ARCP
Scott Bowman: Director of ARCP
Peter Budko: CIO of ARCP
Brian Jones: COO of ARCP
William Kahane: Director of ARCP
Susan Manning: Accounting functions for ARCP
Nicholas Schorsch: Executive Chairman of ARCP
Sathana Semonsky: Accounting functions for ARCP
Edward Weil: Director of ARCP

Our investigation is on-going, and we reserve all rights to correct or amend the foregoing information. In addition, we reserve all rights with respect to our objections and responses to the document requests served by Plaintiffs that we will serve pursuant to the Federal Rules of Civil Procedure. In the interests of proceeding in a timely manner with our clients' document production work, we attach search terms that we presently intend to use to identify potentially responsive documents, from the files of the above-referenced custodians, for Request Nos. 6-8, 10-12, 16-18, 20-21, and 27. The date range over which we will search is July 1, 2011, through March 31, 2015. We ask that you do not share this information outside your firms/vendors. To the extent that we determine any modification to these terms is needed, we will advise you. We are working with our vendor to process the data, which will include global de-duplication and email threading software to exclude from production non-inclusive emails within strings to aid in culling duplicative or repetitive email communications from the collection.

To the extent you would like to discuss any of the foregoing, we are available to do so on tomorrow (October 11) or Wednesday (October 12) after 1:30 pm ET.

Best regards,

Rebecca

From: Dan Drosman [mailto:DanD@rgrdlaw.com]

Sent: Thursday, October 06, 2016 6:48 PM

To: Goldsmith, Andrew E. <agoldsmith@khhte.com>; Darren Robbins <DarrenR@rgrdlaw.com>; Dowd, Michael <miked@rgrdlaw.com>; Debra Wyman <DebraW@rgrdlaw.com>; Jessica Shinnefield <jshinnefield@rgrdlaw.com>; Ashley Price <APrice@rgrdlaw.com>; Jennifer Caringal <JCaringal@rgrdlaw.com>; Angel Lau <ALau@rgrdlaw.com>; Sam Rudman <srudman@rgrdlaw.com>; Robert Rothman <rrothman@rgrdlaw.com>; Blair Nicholas <Blairn@blbglaw.Com>; Jonathan Uslaner <Jonathanu@blbglaw.Com>; David Kaplan <Davidk@blbglaw.Com>; Mark Lebovitch <MarkL@blbglaw.com>; Lawrence M. Rolnick <Lrolnick@lowenstein.Com>; Marc B. Kramer <mkramer@lowenstein.com>; Thomas E. Redburn Jr <tredburn@lowenstein.com>; Michael J. Hampson <Mhampson@lowenstein.Com>; Robert Harwood <Rharwood@hfesq.Com>; Samuel Rosen <srosen@hfesq.Com>; Benjamin Sachs-Michaels <Bsachsmichaels@hfesq.Com>

Cc: Beynon, Rebecca A. <rbeynon@khhte.com>; Oppenheimer, Bradley E. <boppenheimer@khhte.com>

Subject: RE: Plaintiffs' RFPs to AR Capital defendants

Andy,

In order to determine whether the list of custodians identified below is sufficiently comprehensive, plaintiffs need additional information. Please let us know the following as soon as possible:

- 1) As we discussed on yesterday's call, AR Capital is the custodian of a substantial quantity of ARCP's documents. What is the scope and date range of the ARCP documents in AR Capital's possession, custody or control and how are those documents stored?
- 2) Please provide us information relating to the names, titles, responsibilities and reporting structure of the people who worked at AR Capital and ARCP.
- 3) Why are certain obviously relevant custodians, such as Kay, Beeson and McAllister, omitted from your list?

Best,

Dan

From: Goldsmith, Andrew E. [<mailto:agoldsmith@khhte.com>]

Sent: Wednesday, October 05, 2016 11:18 AM

To: Dan Drosman; Darren Robbins; Mike Dowd; Debra Wyman; Jessica Shinnfield; Ashley Price; Jennifer Caringal; Angel Lau; Sam Rudman; Robert Rothman; Blair Nicholas; Jonathan Uslaner; David Kaplan; Mark Lebovitch; Lawrence M. Rolnick; Marc B. Kramer; Thomas E. Redburn Jr; Michael J. Hampson; Robert Harwood; Samuel Rosen; Benjamin Sachs-Michaels

Cc: Beynon, Rebecca A.; Brad Oppenheimer

Subject: RE: Plaintiffs' RFPs to AR Capital defendants

Counsel,

Good speaking with you this afternoon. As we mentioned on the call, we wanted to let you know which custodians we anticipate searching for ESI in response to certain of plaintiffs' RFPs. We plan to use the following custodians:

Brian Block
Scott Bowman
Peter Budko
Brian Jones
William Kahane
Susan Manning
Nicholas Schorsch
Sathana Semonsky
Edward Weil

Regards,

Andy

From: Beynon, Rebecca A.

Sent: Monday, October 03, 2016 11:22 AM

To: 'Dan Drosman' <DanD@rgrdlaw.com>; Goldsmith, Andrew E. <agoldsmith@khhte.com>; Darren Robbins <DarrenR@rgrdlaw.com>; Dowd, Michael <miked@rgrdlaw.com>; Debra Wyman <DebraW@rgrdlaw.com>; Jessica Shinnfield <jshinnfield@rgrdlaw.com>; Ashley Price <APrice@rgrdlaw.com>; Jennifer Caringal <JCaringal@rgrdlaw.com>; Angel Lau <ALau@rgrdlaw.com>; Sam Rudman <srudman@rgrdlaw.com>; Robert Rothman <rrothman@rgrdlaw.com>; Blair Nicholas <Blairn@blbglaw.Com>; Jonathan Uslaner <Jonathanu@blbglaw.Com>; David Kaplan <Davidk@blbglaw.Com>; Mark Lebovitch <MarkL@blbglaw.com>; Lawrence M. Rolnick <Lrolnick@lowenstein.Com>; Marc B. Kramer <mkramer@lowenstein.com>; Thomas E. Redburn Jr <tredburn@lowenstein.com>; Michael J. Hampson <Mhampson@lowenstein.Com>; Robert Harwood <Rharwood@hfesq.Com>; Samuel Rosen <srosen@hfesq.Com>; Benjamin Sachs-Michaels <Bsachsmichaels@hfesq.Com>

Cc: Oppenheimer, Bradley E. <boppenheimer@khhte.com>

Subject: RE: Plaintiffs' RFPs to AR Capital defendants

Dear Dan:

Andy is out of the office today, and so I'm writing to respond to your email. We are available for a call on Wednesday at 1:30ET/10:30PT. In the call, we'd like to discuss the ESI production that will be undertaken in response to the RFPs. A dial-in is below. We look forward to speaking with you.

Dial in: 800 769 2983

Password: 326 7934

Best regards,

Rebecca

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Rebecca A. Beynon
Kellogg, Huber, Hansen, Todd,
Evans & Figel P.L.L.C.
Sumner Square
1615 M Street, N.W.
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From: Dan Drosman [<mailto:DanD@rgrdlaw.com>]

Sent: Friday, September 30, 2016 7:12 PM

To: Goldsmith, Andrew E. <agoldsmith@khhte.com>; Darren Robbins <DarrenR@rgrdlaw.com>; Dowd, Michael <miked@rgrdlaw.com>; Debra Wyman <DebraW@rgrdlaw.com>; Jessica Shinnefield <jshinnefield@rgrdlaw.com>; Ashley Price <APrice@rgrdlaw.com>; Jennifer Caringal <JCaringal@rgrdlaw.com>; Angel Lau <ALau@rgrdlaw.com>; Sam Rudman <srudman@rgrdlaw.com>; Robert Rothman <rrothman@rgrdlaw.com>; Blair Nicholas <Blairn@blbglaw.Com>; Jonathan Uslaner <Jonathanu@blbglaw.Com>; David Kaplan <Davidk@blbglaw.Com>; Mark Lebovitch <MarkL@blbglaw.com>; Lawrence M. Rolnick

<Lrolnick@lowenstein.Com>; Marc B. Kramer <mkramer@lowenstein.com>; Thomas E. Redburn Jr <tredburn@lowenstein.com>; Michael J. Hampson <Mhampson@lowenstein.Com>; Robert Harwood <Rharwood@hfesq.Com>; Samuel Rosen <srosen@hfesq.Com>; Benjamin Sachs-Michaels <Bsachsmichaels@hfesq.Com>

Cc: Beynon, Rebecca A. <rbeynon@khhte.com>; Oppenheimer, Bradley E. <boppenheimer@khhte.com>

Subject: RE: Plaintiffs' RFPs to AR Capital defendants

Andy,

We aren't available for a call on Tuesday, but could meet on Wednesday at 10:30 a.m. Pacific time. If that works on your end, please circulate a dial-in number. It would also be helpful if you could let us know in advance of the call specifically what issues in plaintiffs' document requests you would like to discuss.

Best,

Dan

From: Goldsmith, Andrew E. [<mailto:agoldsmith@khhte.com>]

Sent: Friday, September 30, 2016 3:27 PM

To: Darren Robbins; Mike Dowd; Dan Drosman; Debra Wyman; Jessica Shinnfield; Ashley Price; Jennifer Caringal; Angel Lau; Sam Rudman; Robert Rothman; Blair Nicholas; Jonathan Uslander; David Kaplan; Mark Lebovitch; Lawrence M. Rolnick; Marc B. Kramer; Thomas E. Redburn Jr; Michael J. Hampson; Robert Harwood; Samuel Rosen; Benjamin Sachs-Michaels

Cc: Beynon, Rebecca A.; Brad Oppenheimer

Subject: Plaintiffs' RFPs to AR Capital defendants

Counsel,

We'd like to schedule a meet and confer call to discuss plaintiffs' requests for production of documents directed to our clients, AR Capital, LLC, ARC Properties Advisors, LLC, Scott J. Bowman, Peter M. Budko, Brian D. Jones, William K. Kahane, and Edward M. Weil. How is 3 p.m. eastern on Tuesday, October 4?

Regards,

Andy

Andrew E. Goldsmith
Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC
1615 M Street, NW
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Direct: (202) 326-7945
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